

REMARKS

Claims 1-13 are currently pending in the present application. By this amendment, claims 1, 4, 5 and 7 have been amended. No new matter will be entered in the application via these amendments. In addition, claim 3 has been cancelled without prejudice or disclaimer.

Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks.

1. Claims 1-10, 12 and 13 have been rejected under 35. U.S.C. §103(a) “as being unpatentable over Funke (DE 2906708) in view of Asaoka (JP 05169906).” This ground of rejection of claims 1-10, 12 and 13 is respectfully traversed because each of the recited claim elements is not found in the cited references. *See* MPEP 2143.3.

Specifically, independent claim 1 recites:

1. An axle housing assembly comprising:

an axle housing having a differential housing and a cover attached to the differential housing, said differential housing having an integrally formed housing body and being provided with a pair of axle tubes within said housing body;

support means including a pair of axle brackets fitted on said pair of axle tubes adapted for mounting said axle housing to a base frame wherein a thick portion projecting toward said housing body is formed on one of said pair of axle brackets such that the distal end of said thick portion is in contact with one of the left side surface and the right side surface of a convex repulsive force receiving member; and

said convex repulsive force receiving member provided on the body of said differential housing wherein a through hole is formed in parallel with the axle tubes for receiving a fastener for coupling the body of said differential housing integrally with said support means.

Thus, in the axle housing assembly of claim 1, one axle bracket has a projection or a thick portion projecting toward the housing body such that the distal end of the projection or thick portion is in contact with either the left side surface or the right side surface of a convex repulsive force receiving member. In order to assemble the axle housing, the proximal portions of the axle tubes are inserted into the right and left opening portions of the differential housing and fixed by bolts. Subsequently, the proximal ring portions of the axle brackets corresponding to the respective axle tubes are fitted. Thereafter, the through hole of the axle bracket and the through hole of the repulsive force receiving portion of the differential housing are aligned with each other. Since the restriction of the positional relationship between both through holes is performed only by three components, i.e. the axle bracket, the axle tube, and the body of the differential housing, the displacement caused by the accumulation of tolerance is small and the through holes may be aligned exactly with each other without the need for severe dimensional precision. The two cited references, Funke and Asoako fail to show this arrangement.

It is fundamental that a prima facie case of obviousness requires a showing that all claim elements are shown in the cited references. Because this showing cannot be made, the rejection of claim 1 should be withdrawn.

For at least similar reasons, independent claim 7 ("wherein a thick portion projecting toward said housing body is formed on one of said pair of axle brackets such that the distal end of said thick portion is in contact with the left side surface of the convex repulsive force receiving member") and dependent claims 2, 4-6 and 8-10, 12 and 13 are also believed to be patentably distinct from Funke and Asoako. Reconsideration and withdrawal of this ground of rejection is requested.

2. Claim 11 has been rejected under 35. U.S.C. §103(a) “as being unpatentable over Funke (DE 2906708) in view of Pegg.” The rejection of claim 11 is respectfully traversed because each of the recited claim elements is not found in the cited references. *See* MPEP 2143.3.

Claim 11 depends indirectly from independent claim 7 and therefore includes all the limitations of the independent claim. Independent claim 7 recites:

7. (Currently Amended) An axle housing assembly comprising:

an axle housing having a differential housing and a cover attached to the differential housing, said differential housing having an integrally formed housing body and being provided with a pair of axle tubes within said housing body;

support brackets for supporting said axle housing on a base frame;
and

a convex repulsive force receiving member extending generally vertically from the body of said differential housing wherein a through hole is formed in parallel with the axle tubes for receiving a fastener for coupling the body of said differential housing integrally with at least one of said support brackets wherein a thick portion projecting toward said housing body is formed on one of said pair of axle brackets such that the distal end of said thick portion is in contact with the left side surface of the convex repulsive force receiving member, said fastener extending through said through hole and securing together the convex repulsive force receiving member and said one support bracket.

As discussed above, the Funke reference fails to disclose such an arrangement.

Pegg does nothing to remedy this deficiency. It is fundamental that a *prima facie* case of obviousness requires a showing that all claim elements are shown in the cited references.

Because this showing cannot be made, the rejection of claim 11 should be withdrawn.

For at least similar reasons discussed above with respect to claims 1-10, 12 and 13, claim 11 is believed to be patentably distinct from Funke and Pegg . Reconsideration and withdrawal of this rejection is requested.


CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,
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